

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

MARVIN EUGENE GATES, JR.	§	
VS.	§	CIVIL ACTION NO. 1:22-CV-562
CHRISTOPHER L. NORSWORTHY	§	

## ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Marvin Eugene Gates, Jr., a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Christopher L. Norsworthy.

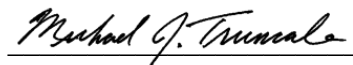
The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. On July 18, 2023, the magistrate judge recommended granting Plaintiff's Motion to Dismiss and dismissing the action without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1). To date, the parties have not filed objections to the report.

The Court received and considered the Report and Recommendation of United States Magistrate Judge pursuant to such referral, along with the record, pleadings and all available evidence. Proper notice was given to Plaintiff at his last known address. *See* FED. R. CIV. P. 5(b)(2)(C). After careful review, the Court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the Report and Recommendation of United States Magistrate Judge [Dkt. 35] is ADOPTED. Plaintiff's Motion to Dismiss [Dkt. 34] is GRANTED. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

**SIGNED** this 25th day of September, 2023.

A handwritten signature in black ink, reading "Michael J. Truncala", is written over a horizontal line.

Michael J. Truncala  
United States District Judge